

# Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.2881/2021  
(SWP No.204/2004)

Thursday, this the 8<sup>th</sup> day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Wali Mohammad War,  
S/o Mohammad Pamzan,  
R/o Pulhallan Puttan Seramulla,  
Age 45 years.
2. Sona Ullaha War,  
S/o Mohammad Ramzan,  
R/o Pattan Nehaloor, Baramulla,  
Age 40 years

...Applicants

(Nemo for applicants)


Versus

1. State of Jammu and Kashmir through  
Financial Commi. J&K Govt,  
Civil Sectt. Srinagar  
Civil Sectt. Srinagar/Jammu.
2. Commissioner cum Secretary to P.W.D.  
Govt. of Jammu and Kashmir,  
Civil Sectt. Srg/Jammu.
3. Chief Engineer, P.W.D. Deptt. (R&B) Deptt.  
Srinagar Kashmir.
4. Superintendent Engineer (R&B) Circle Road,  
Baramulla Kashmir.
5. Executive Engineer,  
(R&B) Baramulla Division Kashmir.
6. Executive Engineer,(R&B) Sopore Kashmir.

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)



**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

The applicants were working as field staff in the Public Works Department (PWD) of Jammu & Kashmir. It is stated that in terms of SRO No.59 of 1990, the Government passed order dated 15.01.1996, conferring benefits of pay scales in favour of certain categories of employees. According to them, quite large number of employees were extended the benefit and by the time their turn came, the Government issued an order dated 15.07.2003, withdrawing the order dated 15.01.1996 and thereby, SRO No.59 of 1990. They filed SWP No.204/2004 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to quash the order dated 15.07.2003 and other connected Government orders; and to extend them, the benefit of SRO No.59 of 1990. The applicants contend that there was absolutely no basis for the respondents in passing the order dated 15.07.2003.

2. The respondents filed a detailed counter affidavit. It is stated that the benefits under SRO No.59 of 1990 and order dated 15.01.1996 were extended at a time when there did not exist any promotional avenues in certain categories and on noticing that the promotional avenues have since been provided in almost all the categories, the order dated 15.07.2003 was passed. They contend that the Government has every right to

pass orders of that nature and no prejudice can be said to have been caused to the applicants.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA No.2881/2021.

4. Today, there is no representation for the applicants. We perused the record and heard Mr. Sudesh Magotra, Deputy Advocate General.

5. The applicant challenged the order dated 15.07.2003. It reads:-


“SRO 231 in exercise of the powers conferred by the provision to Section 124 of the Constitution of J&K, the Governor is pleased to direct that the Jammu & Kashmir Civil Service (Revised Pay) Rules 1987, the Appended 2-A shall always be deemed to have been deleted w.e.f. the date of issue of Jammu & Kashmir Civil Service (Higher standard pay scale scheme) Rules, 1996 i.e., 15.1.1996.”.

6. The effect of this order is that the earlier order dated 15.01.1996 is withdrawn from its inception. The applicants contend that on account of withdrawal of the said order, they are denied the benefits.

7. It may be true that the order, which was withdrawn through the impugned order, conferred certain benefits on the







employees. The respondents, however, stated that the SRO No.59 of 1990 and the order dated 15.01.1996 were issued at a time when the promotional avenues did not exist in certain categories. The state of affairs in the Government establishment would not remain the same for the decades together. After verification of the matter and on noticing the existence of promotional avenues, the Government has passed the impugned order. It is done in exercise of the sovereign functions. The said order did not result in withdrawal of any benefit, which is already extended to the applicants. In case any pay anomaly exists as a result thereof, they can always point out the same to the competent authority. We do not find any illegality in the order dated 15.07.2003.

8. We, therefore, dismiss the T.A., leaving it open to the applicants to point out the anomalies in the pay structure, if any, through a representation to the respondents and, the competent authority, shall pass appropriate orders thereon, within a period of three months from the date of receipt of such representation. There shall be no orders as to costs.

( Mohd. Jamshed )  
Member (A)

( Justice L. Narasimha Reddy )  
Chairman

**July 8, 2021**  
/sunil/rk/